

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEVIN P. BURKE,

Plaintiff,

Civil Action 2:21-cv-48

v.

Magistrate Judge Elizabeth P. Deavers

**OHIO DEPARTMENT OF
REHABILITATION AND
CORRECTION, *et al.*,**

Defendants.

ORDER

This matter is before the Court on Plaintiff's unopposed motion pursuant to Federal Rule of Civil Procedure 21 seeking to sever and dismiss with prejudice Counts Four, Five and Seven of the Amended Complaint against Defendants ODRC, Christopher Lambert and Roger Wilson. (ECF No. 72.) Federal Rule of Civil Procedure 21 provides that, "[o]n motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party." Accordingly, for good cause shown, Plaintiff's unopposed motion is **GRANTED**. Counts Four, Five and Seven of the Amended Complaint are **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Dated: JULY 26, 2023

**/s/ Elizabeth A. Preston Deavers
ELIZABETH A. PRESTON DEAVERS
UNITED STATES MAGISTRATE JUDGE**